

**VIRGINIA BOARD OF NURSING  
MINUTES  
July 17, 2007**

**TIME AND PLACE:** The meeting of the Board of Nursing was called to order at 9:05 A.M. on July 17, 2007 in Conference Room 2, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

**PRESIDING:** Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS  
PRESENT:** Lynne M. Cooper, Citizen Member, Vice President  
Brenda L. Hale, R.N.  
John M. Horn, L.P.N.  
Florence Jones-Clarke, R.N., M.S.  
Patricia C. Lane, R.N.  
Evelyn Lindsay, L.P.N.  
Lawrence L. Logan, Citizen Member  
G. Maxine Ponn, L.P.N.  
Patricia M. Selig, R.N., F.N.P., Ph.D.

**BOARD MEMBER ABSENT:** Linda D. Gross, Citizen Member  
Woody B. Hanes, R.N., M.S.N., F.N.P.

**STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director,  
Discipline  
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry  
Manager  
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide  
Program Manager  
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education  
Jessica Ressler, R.N. Nursing Education Consultant  
Amy Davis, Administrative Assistant

**OTHERS PRESENT:** Howard M. Casway, Senior Assistant Attorney General  
Sandra Whitley Ryals, Director, Department of Health Professions  
Emily O. Wingfield, Deputy Director, Department of Health Professions  
Elaine Yeatts, Policy Analyst, Department of Health Professions  
Michelle Satterlund, Lobbyist, Virginia Council of Nurse Practitioners  
Gail Johnson, Chair, Child Day Care Council

**ESTABLISHMENT OF  
A QUORUM:** With ten members of the Board present, a quorum was established.

## ANNOUNCEMENTS:

- Evelyn Lindsay, L.P.N., new Board member was introduced. Other Board members and staff introduced themselves.
- National Council of State Boards of Nursing Delegate Assembly is scheduled for August 7 – 10, 2007 in Chicago.
- The next meeting of the Committee of the Joint Boards of Nursing and Medicine is scheduled for October 17, 2007.
- Department of Health Professions is scheduled to move to new location August 17, 2007.
- Gathering in recognition of service for outgoing Board members is being held this evening. Time and location will be distributed later today.
- Ms. Cooper has been reappointed to the Board of Health Professions by Governor Kaine.
- Ms. Piersall has been reappointed to the Board of Nursing by Governor Kaine.
- Florence Jones-Clarke has been appointed by Ms. Piersall to fill the role of Secretary of the Board of Nursing vacated by Gregory J. Huber.
- The Citizen Advocacy Center Conference is scheduled for October 29 – 31, 2007 in Seattle, Washington.
- The Council on Licensure, Enforcement and Regulation (CLEAR) Conference is scheduled for September 6 – 8, 2007 in Atlanta, Georgia.

## DIALOGUE WITH DIRECTOR:

Ms. Ryals presented information to the Board on the following issues:

- The Department of Health Professions was recognized by the Southern Legislative Conference, Council of State Governments for its work with the Sanction Reference Point Study.
- A review of the top three key performance measures of Virginia Performs from the Intake Team, Old Case Team and the Probable Cause Review Team was provided. Updated compliance rates will be made available in August. Ms. Ryals indicated positive steps are being taken to obtain the goals set forth by Governor Kaine.
- Ms. Ryals reported the periodic review of the Board of Nursing regulations is in the Department of Planning and Budget for review. The timeframe for final approval by the Governor's office is unknown at this time.
- The report of the Health Care Workforce Issues is due to the Governor's office by October 2007.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed two items from the proposed consent agenda. Ms. Cooper moved to accept the consent agenda which includes:

Minutes:

May 10, 2007 – Telephone Conference Call – Ms. Piersall

May 14, 2007 – Panel – Ms. Piersall

May 15, 2007 – Board Meeting – Ms. Piersall

May 16, 2007 – Quorum – Ms. Piersall

May 16, 2007 – Panel – Ms. Cooper

June 20, 2007 – Committee of the Joint Boards of Nursing and Medicine – Ms. Cooper

June 20, 2007 – Quorum – Ms. Cooper

June 29, 2007 – Telephone Conference Call – Mr. Huber

Reports:

Board of Nursing Monthly Tracking Log-Licensure and Disciplinary Statistics  
NNAAP Examinations

Health Practitioners Intervention Program

Executive Director Report

REPORTS:

**State Nursing Workforce Center Annual Conference:**

Ms. Douglas attended the conference and provided an overview of the topics from the conference regarding workforce issues. Ms. Douglas reported that education program concerns identified in Virginia are also concerns identified on a national level.

**Recommendations from the Child Day Care Medication Training Program Subcommittee:**

Dr. Selig reviewed the recommended changes from the Subcommittee. Ms. Cooper moved to adopt the change to the title of the original Guidance Document 90-9. The motion was seconded and approved unanimously.

Ms. Cooper moved to adopt the addendum to the original Guidance Document 90-9 with amendment to allow for an abbreviation of the Medication Administration Training Program for emergency medication training only. The motion was seconded and carried unanimously.

Ms. Cooper moved to approve the *Department of Social Services/Virginia Department of Health Pre-Medication Administration Training Program*. The motion was seconded and carried unanimously.

RECESS: The Board recessed at 10:20 A.M.

RECONVENTION: The Board reconvened at 10:40 A.M.

POLICY FORUM: **Sanction Reference Points Update:**

Neal Kauder, Visual Research, Inc. was present and provided a review of the Sanction Reference Study after one year of implementation with the Board of Nursing. Mr. Kauder identified recommended changes to the cover sheet for the Board to consider that will provide additional case information. Dr. Selig

moved that the Board approve the recommended changes. The motion was seconded and approved unanimously.

#### EDUCATION PROGRAMS:

##### **Education Special Conference Committee:**

The Board considered the recommendations of the Education Special Conference Committee from its meeting on July 16, 2007. Ms. Hale moved to adopt the recommendations as amended. The motion was seconded and approved unanimously. The Education Special Conference Committee delegated approval of the medication aide training programs to the Executive Director or designee.

##### **Requests to Establish Nursing Education Programs:**

Ms. Ressler reported to the Board that at least two applications to establish nursing education programs are received each week. Ms. Ressler reported her concern regarding the availability of faculty and clinical sites for new education programs especially in the Northern Virginia area.

#### OTHER MATTERS:

##### **Requests for Accommodation:**

#### CLOSED SESSION:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 11:00 A.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of NCLEX and NNAAP modification requests. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Dr. Saxby, Ms. Ressler, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations. The motion was seconded and approved unanimously.

#### RECONVENTION:

The Board reconvened in open session at 11:10 A.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

##### **Tyler Mays, CNA Applicant**

Ms. Lane moved to approve the accommodation request for extra time (45 minutes) to take the skills portion of the nurse aide (NNAAP) exam. The motion was seconded and approved unanimously.

##### **Bridget Walls, RN Applicant**

Ms. Hale moved to approve the accommodation request for time and a half (a total of 9 hours) in one day and an increased font size of 20 pt. to take the NCLEX-RN.

The motion was seconded and approved unanimously.

##### **Katherine Picchi, RN Applicant**

Ms. Cooper moved to approve the accommodation request for time and a half (a total of 9 hours) in one day and a private room to take the NCLEX-RN. The motion was seconded and approved unanimously.

**Request for NCLEX Information:**

Ms. Lane moved for staff to provide information on the NCLEX pass rate ongoing from 2006 for applicants that are granted accommodations and the pass rate for applicants that were denied accommodations. The motion was seconded and carried unanimously.

**Graduates of Excelsior College:**

Dr. Saxby presented information to the Board regarding graduates of Excelsior College eligibility for licensure in Maryland. The Maryland Board ruled last July that Excelsior students admitted after July 25, 2006 would not be allowed to sit for the exam or be endorsed into Maryland. Students admitted before that time would have until December 2007 to complete the program and sit for the exam. This applies to endorsement candidates as well.

**2007 National Council of State Boards of Nursing (NCSBN) Delegate Assembly:**

Ms. Douglas reported that she and Ms. Cooper will serve as Delegates at the NCSBN Delegate Assembly; Ms. Douglas will also attend a meeting of the Nurse Licensure Compact Administrators. Dr. Selig will also attend the meeting in August as Ms. Gross and Ms. Lane are unable to attend. Ms. Cooper has been nominated as Director At Large on the NCSBN Board of Directors, elections will be held at the meeting in August. A letter of support for Ms. Cooper from the Virginia Board of Nursing will be sent to Executive Directors and Presidents of Boards of Nursing next week.

**PUBLIC HEARING:**

**Proposed Regulations 18VAC90-30-10 et. seq., Regulations Governing the Licensure of Nurse Practitioners:**

Becky Bowers-Lanier and Brenda Brickhouse were present; Ms. Brickhouse addressed the Board in regards to the regulations.

Ms. Piersall stated that public comments should be sent to Ms. Douglas. The public comment period will end August, 10, 2007 and all comments received prior to the end of the comment period will be reviewed by the Board.

**OTHER MATTERS CONTINUED:**

**Transition Issues Related to Registration of Medication Aides in Assisted Living Facilities:**

Ms. Douglas provided information regarding consideration of a provision for medication aides hired in Assisted Living Facilities after July 1, 2007 that do not have previous training but will need to obtain training to meet the requirements effective July 1, 2007. Applications for Medication Aide Training Programs are being received and processed, however there are no approved programs available at this time.

The suggested provision is for individuals hired in Assisted Living Facilities after July 1, 2007 for up to no longer than one year will be deemed to have met the requirements after completing the current 32 hour course, the 8 hour refresher course, the 8 hour insulin course and the 20 hour clinical requirement. Ms. Jones-Clarke moved to adopt the suggested recommendation. The motion was seconded and approved unanimously. Assisted Living Facilities will be notified by mail of the provision.

**Recommendations from the Discipline Committee:**

The Discipline Committee met July 17, 2007 and recommended to delegate disposing or closing of cases that do not have a violation of law or regulation to Board staff. Ms. Hale moved to accept the recommendation. The motion was seconded and approved unanimously.

**Special Conference Committee Assignments:**

Changes were made to the assignments of Special Conference Committees due to Board member vacancies and new appointments. The revised assignment information was distributed to Board members today. Ms. Piersall asked Board members to review the new assignments and to contact Board staff with any date conflicts that may have occurred with the changes.

**Massage Therapy Education Program Approval Process:**

Ms. Douglas reviewed the approval process for massage therapy education programs as indicated in §54.1-3029(A)(2) of the *Code of Virginia* and 18VAC90-50-40(2) of the Regulations Governing Massage Therapy (or Therapists). It has been brought to the Board's attention that the State Council of Higher Education in Virginia approval process for massage therapy program is for a certificate to operate, and does not include a review of the curriculum or other programmatic issues. After discussion, Ms. Ryals asked Ms. Douglas to summarize the issues and she will discuss the matter with the Secretary's office.

RECESS:

The Board recessed at 12:05 P.M.

RECONVENTION:

The Board reconvened at 1:05 P.M.

**NCLEX Examination Report:**

Ms. Ressler reviewed the NCLEX pass rate for registered nurses in Virginia for this reporting period is 85.68% compared to the national pass rate of 87.63%. The NCLEX pass rate for practical nurses in Virginia for this reporting period is 80.7% compared to the national pass rate of 86.1%. It was noted that 15 Virginia registered nurse programs and 14 practical nurse programs have a pass rate of less than 80%.

**Appointment of Board of Nursing Committee on Nursing Education:**

A new committee consisting of Ms. Piersall, Ms. Lane and Dr. Selig was appointed to focus on changes related to nursing education such as the use of simulators, on-line programs and the definition of clinical hours.

**Nursing Case Appealed to Circuit Court Update:**

Mr. Casway provided information on a formal hearing which resulted in a revocation of a nursing license that was appealed to Loudoun County Circuit Court. The case was dismissed by the Loudoun County Circuit Court.

**Change in Venue Requests:**

Mr. Casway reported to the Board that effective July 1, 2007 all hearings before administrative agencies will be held at the location of the administrative agency unless there is mutual consent of the request for a change of venue.

LEGISLATION/REGULATIONS:

**Status of Board of Nursing Regulations:**

The information was provided for information, no action was needed.

**Regulations for Registration of Medication Aides:**

Ms. Yeatts reviewed the changes needed in 18VAC90-60-100 for consistency with an annual renewal. Ms. Cooper moved to adopt the amendments to 18VAC-90-60-100 on reinstatement of registration of a medication aide as a fast track action. The motion was seconded and carried unanimously.

**Proposed Amendment to Nurse Practitioner Regulations:**

Ms. Yeatts reviewed the changes in 18VAC90-30-10 et seq. to delegate authority to agency subordinates to conduct nurse practitioner informal conferences. Dr. Selig moved to adopt the changes to delegate authority to agency subordinates to conduct nurse practitioner informal conferences. The motion was seconded and carried unanimously.

**Request for Extension of Emergency Regulations:**

Ms. Yeatts reviewed the information regarding an extension for 6 months to allow the emergency regulations for certified nurse midwives to remain in effect beyond the August 31, 2007 expiration date. Ms. Jones-Clarke moved to accept the extension. The motion was seconded and carried unanimously.

CONSIDERATION OF CONSENT ORDERS:

CLOSED SESSION: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:00 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Krohn, Dr. Saxby, Ms. Ressler Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:20 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

**Carolyn Kinder, R.N. 0001-170903**

Mr. Logan moved to accept the consent order to accept the voluntary surrender for indefinite suspension of Carolyn Kinder's license to practice professional nursing in the Commonwealth of Virginia.

The motion was seconded and approved unanimously.

**Cynthia Bomar, L.P.N. 0002-059437**

Ms. Cooper moved to accept the consent order for the voluntary surrender for indefinite suspension of Cynthia Bomar's license to practice practical nursing in the Commonwealth of Virginia to include her multi state privilege.

The motion was seconded and approved unanimously.

**Dana Medvid, L.P.N. 0002-062056**

Dr. Selig moved to accept the consent order for the voluntary surrender for indefinite suspension of the license of Dana Medvid to practice practical nursing in the Commonwealth of Virginia to include her multi state privilege.

The motion was seconded and approved unanimously.

**Cheryl A. Miller, R.N. 0001-196917**

Ms. Cooper moved to accept the consent order that Cheryl Miller be reprimanded with terms. The motion was seconded and carried. Ms. Hale, Mr. Horn, Ms. Jones-Clarke, Mr. Logan, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Cooper, Ms. Lane, Ms. Lindsay and Ms. Piersall opposed the motion.

**Watson A. Sankoh, R.N. 0001-174749**

Ms. Hale moved to reject the consent order of Watson Sankoh to indefinitely suspension his license to practice professional nursing. The motion was seconded and carried unanimously.

**Jennifer R. Ward, R.N. 0001-170523**

Dr. Selig moved to accept the consent order to indefinitely suspend the professional nursing license of Jennifer Ward to include her multi state privilege. The motion was seconded and carried unanimously.

The meeting was adjourned at 2:30 P.M.

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Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.



